

## **REMARKS:**

Reconsideration of the present application, as amended, is respectfully requested.

The pending claims in the present application are claims 1, 3-5, 7-12, 14-16, 19-23, 25-26, and 29-30 plus newly added claims 31-34. Claims 2, 6, 13, 17-18, 24 and 27-28 have been cancelled without prejudice.

In the Official Action, the Examiner rejected claims 4 and 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In claim 4, the Examiner indicated that there is no antecedent basis for "said beads" therein or in the parent claim. In response, the Applicant has added the term "copolymer beads" in independent claim 1 to provide the term "said beads" in claim 4 with an antecedent basis. In claim 30, the Examiner indicated that when the carrier comprises 98%, the mixture adds up to more than 100%, and in response, the Applicant has deleted "98%" and inserted "96%".

In addition, the Examiner also rejected claims 1, 5, 7, 9, and 10 under 35 U.S.C. 102(b) as being anticipated by Rayborn, et al (U.S. Patent No. 5,942,467). According to the Examiner, Rayborn '467 teaches the formation of a drilling fluid additive, which comprises shearing carbon black and admixing a carrier.

Rayborn '467 actually relates to a drilling fluid system comprising a first mixture of carbon black, asphaltite, lignite and either a surfactant or a dispersant and a second mixture of a surfactant, oil, an ester alcohol and a glycol. The Applicant has amended independent claim 1 to better clarify the invention; specifically, claim 1 relates to a drilling fluid additive mixture manufactured by a method comprising admixing talc, a carrier and copolymer beads. Rayborn '467 neither teaches nor discloses a drilling fluid additive comprising talc, copolymer beads and at least one carrier selected from a group consisting of oils, glycols, esters, olefins and mixtures thereof. In view of the above, independent claim 1 should now be allowable and claims 5, 7, 9 and 10, which are dependent on independent claim 1, should also be allowable.

In view of the above, it is respectfully submitted that the Examiner's rejections under 35 U.S.C. 102(b) in view of Rayborn '467 have been overcome and should be removed.

In the Official Action dated November 10, 2003, the Examiner rejected claims 1, 5-7, 9 and 10 under 35 U.S.C. 102(b) as being anticipated by Jacocks (U.S. Patent No. 3,719,601). According to the Examiner, Jacocks teaches a mineral oil admixed with magnesium silicate, which is talc.

Jacocks relates to a liquid insulating medium comprised of liquid hydrocarbons such as mineral oil and finely divided fibrous magnesium silicate and finely divided fibrous asbestos. As stated above, the Applicant has amended independent claim 1 to better clarify the invention; specifically, claim 1 relates to a drilling fluid additive mixture manufactured by a method comprising admixing talc, a carrier and copolymer beads. Jacocks neither teaches nor discloses a drilling fluid additive comprising talc, copolymer beads and at least one carrier selected from a group consisting of oils, glycols, esters, olefins and mixtures thereof.

In view of the above, it is respectfully submitted that the Examiner's rejections under 35 U.S.C. 102(b) in view of Jacocks have been overcome and should be removed.

In the Official Action, the Examiner also rejected claims 1, 6, 7 and 9 under 35 U.S.C. 102(b) as being anticipated by Bindra et al. (U.S. Patent No. 6,296,838). According to the Examiner, Bindra teaches a composition comprising talc and glycol and oil.

Bindra truly relates to an antifungal composition comprising extract of walnut in acetone or alcohol; pulverized roots; polyols such as glycols; oil; non-ionic emulsifiers; plasticizer; and a base selected from nitrocellulose, kaolin or talc. As stated above, the Applicant has amended independent claim 1 to better clarify the invention; specifically, claim 1 relates to a drilling fluid additive mixture manufactured by a method comprising admixing talc, a carrier and copolymer beads. Bindra neither teaches nor discloses a drilling fluid additive comprising talc, copolymer beads and at least one carrier selected from a group consisting of oils, glycols, esters, olefins and mixtures thereof.

In view of the above, it is respectfully submitted that the Examiner's rejections under 35 U.S.C. 102(b) in view of Bindra have been overcome and should be removed.

Newly added claims 31-33 are the product claims of independent claims 1, 12 and 23. The newly added claims do not contain any new subject matter and are not anticipated or rendered obvious by any of the references cited by the Examiner in this Official Action or any of the references submitted by the Applicant in an Information Disclosure Statement. In view of the above, newly added claims 31-33 should also be allowable.

In this Official Action, the Examiner also provisionally rejected claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of co-pending Application Serial No. 10/196,264. The Examiner also provisionally rejected claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 and 37-46 of co-pending Application Serial No. 10/196,266. Furthermore, the Examiner also provisionally rejected claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of co-pending Application Serial No. 10/196,265.

In response, the Applicant is submitting a terminal disclaimer to overcome the above-mentioned provisional obviousness-type double patenting rejections.

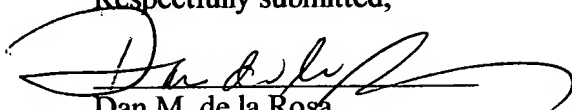
The Applicant is submitting a check in the amount of \$97; \$42 to cover the newly added independent claim and \$55 for the submission of the terminal disclaimer.

In view of the actions taken and arguments presented, it is respectfully submitted that the present invention is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,



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